



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

May 17, 2005

Eagle Creek Agland Limited Partnership
PO Box 53
Nampa ID 83653-0053

Re: Emergency Drought Permit No. G4-35011

In accordance with the provisions of RCW 43.83B.405, on March 10, 2005, it was ordered and determined by the Director of the Department of Ecology that the State of Washington is under drought conditions. In accordance with the provisions of WAC 173-166-060, the Department of Ecology is under the terms of this Order, issuing an EMERGENCY DROUGHT PERMIT. The intent of this authorization is to alleviate hardships and reduce the burdens on water users arising from the drought conditions.

THIS AUTHORIZATION SHALL IN NO MANNER BE CONSTRUED TO GUARANTEE OR IMPLY THAT A FINAL (REGULAR) PERMIT WILL ISSUE FOR THE FUTURE USE OF THE WATER USE HEREIN AUTHORIZED.

The Department of Ecology (Ecology) has agreed to fund the cost of the mitigation or offsets for the impacts associated with the drought emergency authorizations. Ecology is attempting to meet the essential irrigation needs of farmers growing perennial crops (such as orchard crops, grapes, hops, etc.) where the loss of irrigation water would permanently damage the crops. Through the use of emergency supplemental wells, Ecology is authorizing up to 80% of the usual irrigation water supply delivered by the irrigation districts. In a normal year, Roza Irrigation District is prepared to deliver 3 to 3.3 acre-feet of water per acre. 80% of 3.3 acre-feet is 2.6 acre feet. Roza Irrigation District is expected to deliver approximately 0.84 acre-foot of water. This authorization will allow an additional 1.8 acre-feet of water per acre for apple orchards.

This authorization is subject to the following limitations and provisions:

This authorization is for the use of an existing well located approximately 1800 feet south and 360 feet east from the NW corner of Section 11, within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11, T. 9 N., R. 24 E.W.M. This well was authorized under Ground Water permit No. G4-31464P for 270 gallons per minute and 59 acre-feet per year for supplemental irrigation of 73.8 acres.

The instantaneous quantity of water to be withdrawn under this emergency permit is limited to 200 gallons per minute. The total maximum instantaneous quantity that can be pumped from the subject well is limited to 270 gallons per minute under Supplemental Permit No. G4-31464P and emergency Permit No. G4-35011.

A total of 72 acre-feet of water per year to irrigate 40 acres of apples is authorized under this emergency permit.

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The place of use is described as follows:

The NW¼SW¼ of Section 11, T. 9 N., R. 24 E.W.M. Benton County, Washington. (Parcel No. 1-1194-300-0002-000)

All other provisions of Chapter 173-160 WAC apply.

A suitable flow meter approved by the Department of Ecology shall be installed and maintained in accordance with Chapter 173-173 WAC. (Installation, operation and maintenance requirements attached hereto.)

Whenever water is being diverted, bi-weekly (every two weeks) readings of the flow meter shall be recorded and maintained by the permittee. These readings shall be documented by time, date, withdrawal rate, and the person conducting the measurements. Copies of these records shall be submitted to the Department of Ecology by November 15, 2005 season.

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.

Withdrawal of water under this authorization may be limited or otherwise regulated in favor of senior rights.

This drought emergency authorization expires on October 31, 2005.

You have the right to appeal this decision to the Pollution Control Hearings Board. Pursuant to Chapter 43.21B RCW, your appeal must be filed with the Pollution Control Hearings Board, and served on the Department of Ecology, within thirty (30) days of the date of your receipt of this document.

To appeal this decision, your notice of appeal must contain a copy of the Ecology decision you are appealing.

Your appeal must be filed with:

The Pollution Control Hearings Board
4224 - 6th Avenue SE Rowe Six Bldg 2
PO Box 40903
Lacey WA 98504-0903

Your appeal must also be served on:

The Department of Ecology
Appeals Coordinator
PO Box 47608
Olympia WA 98504-7608

In addition, please send a copy of your appeal to:

Robert F. Barwin
Department of Ecology
15 W Yakima Ave Ste 200
Yakima WA 98902-3452

Sincerely,

A handwritten signature in black ink, appearing to be 'RFB', with a horizontal line extending to the right.

Robert F. Barwin, Section Manager
Water Resources Program
Central Region Office

PNK:gg
050523

Enclosures: Flow Meter Requirements
 Your Right To Be Heard

cc: Carroll Palmer, Director, Natural Resources Division, Yakama Nation
 Curt Hart, Water Resources Program, Headquarters